

## HOUSE BILL NO. 528

INTRODUCED BY B. STORY

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE USE OF COUNTY ROAD EASEMENTS AND COUNTY BRIDGE EASEMENTS FOR PURPOSES OF ACCESS; CLARIFYING THAT A BOARD OF COUNTY COMMISSIONERS MAY CONTROL THE USE OF A COUNTY ROAD OR COUNTY BRIDGE EASEMENT IN ORDER TO PROTECT ~~PUBLIC HEALTH, SAFETY, OR WELFARE~~; AMENDING SECTION 7-14-2101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-14-2101, MCA, is amended to read:

**"7-14-2101. General powers of county relating to roads and bridges -- definitions.** (1) The board of county commissioners, under the limitations and restrictions that are prescribed by law, may:

(a) (i) lay out, maintain, control, and manage county roads and bridges within the county;  
(ii) subject to 15-10-420, levy taxes for the laying out, maintenance, control, and management of the county roads and bridges within the county as provided by law;

(b) (i) in the exercise of sound discretion, jointly with other counties, lay out, maintain, control, manage, and improve county roads and bridges in adjacent counties, wholly or in part as agreed upon between the boards of the counties concerned;

(ii) subject to 15-10-420, levy taxes for the laying out, maintenance, control, management, and improvement of county roads and bridges in adjacent counties or shared jointly with other counties, as agreed upon between the boards of the counties concerned and as provided by law;

(c) (i) enter into agreements for adjusted annual contributions over not more than 6 years toward the cost of joint highway or bridge construction projects entered into in cooperation with other counties, the state, or the United States;

(ii) subject to 15-10-420, place a joint project in the budget and levy taxes for a joint project as provided by law.

(2) A board of county commissioners may control the use of a county road easement or a county bridge easement in order to protect public safety. The board of county commissioners may restrict parking

1 on the county road easement or county bridge easement to areas that the board determines appropriate.  
2 A restriction adopted pursuant to this subsection must provide for the temporary use of the easement for  
3 disabled vehicles and emergency situations. The board of county commissioners may restrict the use of  
4 a county road easement or county bridge easement for purposes of public access to waterways if the  
5 restrictions are related to public health, safety, or welfare.

6 ~~(2)~~(3) (a) Unless the context requires otherwise, for the purposes of this chapter, the term "county  
7 road" means:

8 (i) a road that is petitioned by freeholders, approved by resolution, and opened by a board of  
9 county commissioners in accordance with this title;

10 (ii) a road that is dedicated for public use in the county and approved by resolution by a board of  
11 county commissioners; or

12 (iii) a road that has been acquired by eminent domain and accepted by resolution as a county road  
13 by a board of county commissioners.

14 (b) Following a public hearing, a board of county commissioners may accept by resolution a road  
15 that has not previously been considered a county road but that has been laid out, constructed, and  
16 maintained with state department of transportation or county funds.

17 (c) A survey is not required of an existing county road that is accepted by resolution by a board  
18 of county commissioners.

19 (d) A road that is abandoned by the state may be designated as a county road upon the  
20 acceptance and approval by resolution of a board of county commissioners.

21 (e) Unless the context requires otherwise, the term "bridge" includes rights-of-way or other  
22 interest in land, abutments, superstructures, piers, and approaches except dirt fills."

23

24 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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